

CITY ATTORNEY'S OFFICE GIVES ITS SIDE ON BOND OF CONTRACTOR

Letter to Mayor and Supervisors Tells of Security Given for Manoa Work

In reply to the charge of F. H. Ritchie, contractor on the Manoa improvement, that remarks of A. M. Cristy, deputy city and county attorney, concerning the bond which was given the city for protection, has caused the work on the improvement to suffer, A. M. Drown, city attorney, has filed a letter with the clerk of the board of supervisors in which he sets forth the exact status of the bond.

The reply follows: "To the Honorable, the Mayor and Board of Supervisors of the City and County of Honolulu.

"Gentlemen: "In Communication No. 1855 on your files, under date of May 25, 1917, Mr. F. H. Ritchie has made the following assertions:

"Fifth: The Bonds. "Mr. Cristy, Deputy City and County Attorney, has stated to us and to others, that in his opinion the bond, given by us, furnishes no security to material men, to which opinion we respectfully dissent, claiming that the bond is ample for this purpose. On account of this decision, however, which we have reason to believe, has been somewhat extensively circulated, demand has been made upon us for payment in cash for material furnished, from which we have suffered, and are liable to suffer in the future, serious delay.

There can be no doubt of the validity of the bond in question; and we respectfully request that your Mr. Cristy will discontinue making such statements in the future.

"In justice to this office, to Mr. Cristy and in fairness to yourself, you should be further informed in this regard.

"This office and no one in this office has ever gone out of his way to discuss the terms of the bond in question or its legal effect. In the course of business, representatives from responsible business firms in Honolulu have come to the office asserting: 'Mr. Ritchie informs us that the contractor's bond for the Manoa improvement fully protects us to 100% of the contract price for any materials furnished by us for that job. Is that correct?' Only one course has been open to this office. To each and every one of such inquirers, it has been explained that the bond in question was drawn for one purpose, namely: To protect the

city and county and the property assessed in Manoa up to 100% of the contract price against any default or failure on the part of the contractor in performing the Manoa contract; that for such purpose the bond was an absolutely valid bond; that the city attorney's office did not, nor could it, represent any materialman in drawing such a bond; that the statutes in Hawaii relating to bonds for frontage tax work neither contemplated nor would it justify a bond for the purpose of protecting materialmen at the expense of the city or of the assessed property; that terms in the bond requiring payment of claims for material had been inserted with the sole intent of protecting the city against harassment by materialmen and of compelling the contractor to avoid delaying the work by any impairment of his credit; that if any rights, equitable or otherwise, accrued to any materialman under this bond it was his good fortune and the responsibility of proving such right was upon the contractor and such materialman; that the contractor and his surety might contest the existence of any such right if sued by a materialman on the grounds stated above; that the bond was for the protection of the city and not a substitute mechanic's lien.

"Mr. F. H. Ritchie and his foreman, Mr. Costello, raised the same questions with our Mr. Cristy. The same explanation was given to them. It was also explained that California procedure under the Vrooman act (California's 'Frontage Tax' law), expressly extended the provisions of bonds so required, to protect materialmen. No such statute exists in Hawaii. In fact the law would tend to the contrary result. Such explanations have been given with all fairness and only upon the question first being raised by Mr. Ritchie or by those to whom he has used the bond as a reference.

"In short the bond is valid to protect the city and the assessed property up to 100% of the contract price. That is the only purpose for which it was drawn. Indeed, this office would have been open to just criticism had we sought to act as attorneys for any other parties than for the city and county and the assessed property for whom the city acts in the nature of a trustee in these improvements. Any use which others than the city and county, to whom the obligation runs, seek to make of this instrument must be done on their own responsibility without the necessity of cooperation by this office either silent or otherwise in establishing other interpretations or constructions.

"Respectfully submitted, "A. M. BROWN, "City and County Attorney, "By ALBERT M. CRISTY, "First Deputy City and County Attorney."

AUDITOR CHANGE IS MONTH LATER

Manley G. K. Hopkins, appointed by the governor for territorial auditor, will not take office until July 1, it was announced today following a conference held between Hopkins, Assessor Wilder, Auditor Fisher and Governor Pinkham.

Hopkins had originally intended to take up his new duties on June 1, but the big flood of taxes that swept in on the tax office during the present month had made extra work for the entire collection force, making it practically necessary for Hopkins to remain there until the books have been completed.

In addition to the list of delegates already published, the women in charge of the mass meeting on food economy to be held Thursday afternoon at 3:30 in the Bijou theater asked the board of directors and general membership of the Free Kindergarten and Children's Aid Association to be represented at the meeting by as large an attendance as possible.

LOCAL AND GENERAL

Decorations Day tomorrow, May 30, is one of the four holidays in the year when Bishop Museum is closed.

The Kaimuki Mothers' Club meets Friday evening at Liliuokalani school for a social and dance.

A new blue and white electric sign of large proportions is the latest addition at the Y. W. C. A.

The Masonic vault at Makiki cemetery will be open Decoration Day from 9:30 to 11 noon.

Next Tuesday, June 5th, is election day. All we ask is that you use your horse sense and get out and vote—Honolulu Automobile Club—Adv.

Word has been received in Honolulu that Judge John L. Kaulukou, district magistrate of Kailua, North Kona, has been very seriously ill.

Miss Clara Fairman and Abner L. Chang were married yesterday by Rev. S. K. Kinneluphi. Miss Gertrude Fairman and Edward Chang were witnesses.

The visiting Episcopal clergymen now attending the convocation in this city will be entertained tonight by the Men's Club of St. Andrew's Cathedral parish, with a chowder supper at the beach home of John Guild, Kailua.

The Rapid Transit Company has placed new station signs of black numbers set in a neat white metallic background directly over the Kalaheua avenue track. The old signs at the side of the avenue were hard for the motormen to see.

Continued hearing by the public utilities commission on the matter of rates charged by the Inter-Island Steam Navigation Company was held last night, the testimony dealing especially with coal business of the company.

The Y. W. C. A. will not serve the regular noon lunch tomorrow, although the association building will be open to members. Being Decoration Day, the patrons of the cafeteria are requested to secure lunch elsewhere.

Students of the Y. M. C. A. officers reserve school were given their first drill last night at the armory, under the direction of Capt. P. M. Smoot and Lieut. E. F. Witsell. The new class will open on Friday evening at the association. It is expected that the first class will take its examinations in the near future.

COMPASSION IS SHOWN IN COURT

Generosity and compassion on the part of a 72-year-old complainant in police court this morning won the hearts of the audience and freedom for young Manuel Santos, a bartender, who had assaulted the old man.

C. M. Matzie of 1457 Auld lane was the one who showed the flame of human kindness. He is a builder and contractor and has been for about a half century on the brink sailing as a first class cook between Honolulu and the Pacific coast.

The trouble between Matzie and Santos is said to have originated when the older man frowned upon the younger paying attention to one of the Matzie girls. According to a story told by the prosecution Matzie warned Santos to stay away and in a sudden spurt of wrath the younger one struck Matzie.

The old man wears glasses but Santos is said to have first snatched these off. He tore things up generally around the Matzie place, but this morning he promised to pay all damages.

Consequently, when he promised to keep out of the Matzie yard the latter asked that he be given a suspended sentence and so the court ordered.

JAMES J. BANKS SUCCEEDS KEMP

James J. Banks, an Alabama attorney, has arrived in Honolulu as assistant to U. S. Attorney S. C. Huber, and will assume his new duties immediately following his taking the oath of office.

Mr. Banks' arrival was not unexpected as Attorney Huber has been expecting an assistant during the last several weeks. Contrary to former customs, Attorney Huber did not recommend any special person as his assistant, leaving the appointment entirely with the department of justice.

Attorney Huber was not acquainted with Mr. Banks prior to the latter's arrival here, but it is understood Mr. Banks has several friends in the city. Mr. Banks succeeds S. B. Kemp, recently appointed to the circuit bench.

CAPT. CARTER OF WAIMEA RESIGNS

Capt. A. W. Carter, Hawaiian Cavalry, National Guard, has resigned, according to announcement today at guard headquarters. His place is to be taken for the present by 1st Lieut. O. L. Sorenson of the same troop.

Capt. Carter's resignation will come as a surprise and a disappointment to many who have paid special attention to the cavalry troops which he has organized from the cowboys of the Parker ranch. Capt. Carter has been ordered to turn over all military equipment belonging to the cavalry to Lieut. Sorenson.

Some estimates place the quantity

MAYOR LANE DENOUNCES LIQUOR STORY USED BY L. L. M'CANDLESS

Mayor Lane today made emphatic and indignant denial of the assertions by L. L. M'Candless, Democratic leader, that the mayor gave a luau primary day at which intoxicants were served. He declares:

"Mr. M'Candless, in a statement just made public, asserts that I gave a luau on the day of the primary election, at which intoxicating liquors were served. He states this luau was given in the fourteenth precinct of the fifth district.

"Mr. M'Candless is careful to base his accusations on hearsay. 'Personally I don't know this. It is only what I have heard from others,' he says.

"There is not an atom of truth in Mr. M'Candless' statement. I gave no luau in the fourteenth precinct, or in any other precinct on the primary election day, nor did I dispense or cause to be dispensed, or encouraged or sanction others in dispensing any intoxicating liquors of any kind.

"Against the unfairness of Mr. M'Candless' statement I wish to express my deep indignation. For a man of his standing in this community to make a charge of this kind with so admittedly no personal knowledge of its truth but expressly upon the mere

COINCIDENCE OF NAMES STRANGE CAPT. TAYLOR IS GIVEN NEW POST

Sheriff Rose was confronted with a remarkable situation early this week that brought politics and his authority as sheriff to a converging test.

Every morning early, first-timers who have partaken too freely the night before of the fiery fluids are arraigned before him. If they are sober and promise to be good in the future the sheriff releases them. Imagine his surprise and consternation when he was confronted in the rather disheveled array by two offenders, namely Hopkins and Rose.

It is not necessary to state here what their first names are. The sheriff does not say when he tells the story. Suffice that they resembled the two candidates for sheriff by their surnames.

Rose—the sheriff—might have done lots of things in such an emergency. He could have shown his preference to his namesake and penalized the other for daring to travel under the same name as one who has dared to try ousting him from office. But he did neither.

Whether the two will vote their own names on the ticket June 5 the sheriff does not know, but he is sure of one thing. They will both be free to voice their preference. He ordered a discharge in both instances.

ARMY ORDERS

Cpl. Bruce H. Sanders, Medical department, is assigned to headquarters. Cpl. Sanders has been at headquarters on temporary assignment, having been promoted to his present rank since coming here.

Honolulu Lodge, F. & A. M., meets at 7:30 tonight.

BRUSH YOUR TEETH THOROUGHLY TWICE DAILY WITH

BORADENT

THE MILK OF MAGNESIA TOOTH PASTE

AND KEEP YOUR MOUTH CLEAN AND SWEET

D.D.D. Prescription for Eczema Soap

for 15 years the standard skin remedy—a liquid used externally—insured relief from heat, the midst of cleanness—keeps the skin always clean and healthy. Come in and ask us about both.

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This Cookery Book of nearly 200 pages is FREE to you

Here's a great big Cookery Book of nearly 200 pages—finely printed, beautifully illustrated—cramped full of splendid time tested recipes—recipes that are economical and practical.

The Highlander Cookery Book is the standard reference work of tens of thousands of New Zealand women. Indeed so valuable is it that it is sold at a good figure by the Red Cross Societies of the Dominion.

But there's an absolutely free copy of this splendid work available for you. Just send your name and address and the book will be sent post free by the next mail.

In addition to good recipes in all branches of cooking, it tells about Highlander Milk—the Condensed Milk that sets the standard in New Zealand and throughout the Pacific.

Send to-day while there's still a copy available for you—address, "Highlander," Dept. "A," Fred L. Waldron, Ltd., Agents, Honolulu.

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Stop at the nearest fountain and ask for

"PHEZ"

Pure Juice of the Loganberry

Delicious and refreshing

"The Taste Lingers"

Our 2nd End of the Month Sale

This month, owing to the fact of a Holiday coming so close to the end of the month, our regular "End of the Month Sale" Begins Thursday, the 31st

will be extended into June, lasting for

3 days—until June 2nd

Remarkable Values in Boys' \$6.50 Palm Beach Suits, at 6

These consist of our regular lines of Summer Suits in all sizes, in plain patterns, colors, and stripes. Special for 3 days only.

Suits for Young Men \$15 and \$18.00

Snappy pinch back, belted and 2-button sack models. A rare price at the beginning of this summer.



Hotel, Ewa Fort

The Ideal

Sale begins FRIDAY

Safe Milk!

The Honolulu Dairymen's Association pasteurized milk is always safe as regards harmful disease germs. Disease germs may get into milk before any human agency can detect them. Pasteurization kills such disease germs and protects you every day in the year. That is the reason that pasteurization is required by law in many states of the United States. Honolulu Dairymen's Association milk is pasteurized by the same method as adopted by the New York Board of Health, a thoroughly effective and reliable system.

The milk and cream and all the ingredients of VELVET ICE CREAM are thoroughly pasteurized.

Honolulu Dairymen's Association